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Attorney Docket No. 14206US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:
Charles D. Gollnick, et al.

Serial No. 09/318,668

Filed: May 25, 1999

For: Radio Frequency Network For
Delivering Pending Messages To
Roaming, Sleeping Terminals

Examiner: Not yet assigned

Group Art Unit: 2746

CERTIFICATE OF MAILING

I hereby certify that this correspondence
is being deposited with the United States
Postal Service as first class mail in an
envelope addressed to: Commissioner for
Patents, P.O. Box 1450, Alexandria, VA
22313-1450 on March 9, 2003.

Ronald Spuhler

Ronald H. Spuhler
Reg. No. 52,245

**TRANSMITTAL OF INFORMATION DISCLOSURE
STATEMENT AFTER APPLICATION FILING DATE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed are the following:

- * A completed PTO form 1449 (modified) which has three (3) pages.
- * A copy of each printed or patented reference listed in the enclosed form 1449 and not previously provided to or by the PTO in this application. Fifty two (52) references are enclosed.

FEE DETERMINATION

- * A fee of \$180.00 is due because:
 - * The first Office action on the merits has been received by applicant(s).
 - * Applicant(s) believe(s) that this statement and enclosures are being filed before any final action has been mailed by the PTO; before a notice of

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allowance has issued; and prior to any other action that would close prosecution in the application. The basis of this belief is that no final action, no notice of allowance, and no other action that would close prosecution of the application appear to have been received by the undersigned to date.

FEE PAYMENT

The following arrangements have been made to pay the fees calculated above:

- * A check for \$180.00 is enclosed herewith.

The Commissioner is hereby authorized to charge any additional fees which are presently required, or credit any overpayment, to Deposit Account No. 13-0017.

REQUEST FOR CONSIDERATION

This paper and enclosures are believed to be entitled to consideration under 37 C.F.R. § 1.97, based on the facts stated above.

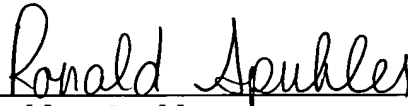
All references submitted herewith were cited by Agere Systems, Inc. in connection with discovery in Agere Systems, Inc. v. Broadcom Corp., which is Civil Action No. 03-3138 in the Eastern District of Pennsylvania.

This submission is in no way intended as an admission that the cited references constitute prior art under any subsection of 35 U.S.C. § 102 or §103. Applicant expressly retains the right to argue that any of the cited references are not indeed prior art or to take any actions necessary to remove any of the cited references from the available prior art.

The Examiner is requested to initial both copies of the enclosed PTO-1449 (modified) and return one copy to the applicants to indicate consideration of the enclosed references.

Respectfully submitted,

Date: March 9, 2003



Ronald H. Spuhler
Reg. No. 52,245

McAndrews, Held & Malloy
500 West Madison Street, Suite 3400
Chicago, Illinois 60661
(312) 775-8000



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\$1

PTO/SB/21 (08-00)

Approved for use through 10/31/2002

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/318,668
	Filing Date	05/25/99
	First Named Inventor	Gollnick et al.
	Group Art Unit	2746
	Examiner Name	Not yet assigned
	Attorney Docket Number	1772/14206US01

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached - \$180.00 <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement (2 pages) <input checked="" type="checkbox"/> PTO 1449 (3 pages) with copies of 42 cited patents and 10 cited articles <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) (sheets) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <input checked="" type="checkbox"/> Reply postcard
Remarks		RECEIVED MAR 12 2004 Technology Center 2600

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	Ronald H. Spuhler, Reg. No. 52,245 McAndrews Held & Malloy, Ltd.
Signature	<i>Ronald Spuhler</i>
Date	March 9, 2004

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 9, 2004

Name (Print/type)	Ronald H. Spuhler	Registration No. (Attorney/Agent)	52,245
Signature	<i>Ronald Spuhler</i>	Date	03/09/04



PTO 8B/17 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032
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FEE TRANSMITTAL for FY 2004 Patent Fees are subject to annual revision.		Complete if Known		
		Application Number	09/318,668	
		Filing Date	05/25/99	
		First Named Inventor	Gollnick et al.	
		Examiner Name	Philip Sobotka	
		Group Art Unit	2746	
TOTAL AMOUNT OF PAYMENT (\$)		180.00	Attorney Docket No.	1772/14206US01

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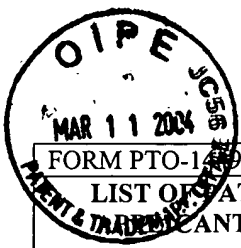
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METHOD OF PAYMENT		FEE CALCULATION (continued)	
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to: Deposit Account Number: 13-0017 Deposit Account Name: McAndrews Held & Malloy <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		3. ADDITIONAL FEES	
2. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other			
FEE CALCULATION			
1. BASIC FILING FEE Large Entity Small Entity Fee Fee Fee Fee Code (\$) Code (\$) Fee Description Fee Paid		Fee Code Fee Code Fee Description Fee Paid	
1001 770 2001 385 Utility filing Fee		1051 130 2051 65 Surcharge - late filing fee or oath	
1002 340 2002 170 Design filing Fee		1052 50 2052 25 Surcharge - late provisional filing fee or cover sheet	
1003 530 2003 265 Plant filing fee		1053 130 1053 130 Non-English specification	
1004 770 2004 385 Reissue filing fee		1812 2,520 1812 2,520 For filing a request for <i>ex parte</i> reexamination	
1005 160 2005 80 Provisional filing fee		1804 920* 1804 920* Requesting publication of SIR prior to Examiner action	
SUBTOTAL (1) (\$)		1805 1,840* 1805 1,840* Requesting publication of SIR after Examiner action	
2. EXTRA CLAIM FEES		1251 110 2251 55 Extension for reply within first month	
Total Claims <input type="text"/> - 20** = <input type="text"/> x <input type="text"/> = <input type="text"/>		1252 420 2252 210 Extension for reply within second month	
Independent Claims <input type="text"/> - 3** = <input type="text"/> x <input type="text"/> = <input type="text"/>		1253 950 2253 475 Extension for reply within third month	
Multiple Dependent <input type="text"/> = <input type="text"/>		1254 1,480 2254 740 Extension for reply within fourth month	
Large Entity Small Entity Fee Fee Fee Fee Code (\$) Code (\$) Fee Description		1255 2,010 2255 1,005 Extension for reply within fifth month	
1202 18 2202 9 Claims in excess of 20		1401 330 2401 165 Notice of Appeal	
1201 86 2201 43 Independent claims in excess of 3		1402 330 2402 165 Filing a brief in support of an appeal	
1203 290 2203 145 Multiple dependent claim, if not paid		1403 290 2403 145 Request for oral hearing	
1204 86 2204 43 **Reissue independent claims over original patent		1451 1,510 1451 1510 Petition to institute a public use proceeding	
1205 18 2205 9 **Reissue claims in excess of 20 and over original patent		1452 110 2452 55 Petition to revive - unavoidable	
SUBTOTAL (2) (\$)		1453 1,330 2453 665 Petition to revive - unintentional	
**or number previously paid, if greater; For Reissues, see above		1501 1,330 2501 665 Utility issue fee (or reissue)	
		1502 480 2502 240 Design issue fee	
		1503 640 2503 320 Plant issue fee	
		1460 130 1460 130 Petitions to the Commissioner	
		1807 50 1807 50 Processing fee under 37 CFR 1.17(q)	
		1806 180 1806 180 Submission of Information Disclosure Stmt	
		8021 40 8021 40 Recording each patent assignment per property (times number of properties)	
		1809 770 2809 385 Filing a submission after final rejection (37 CFR § 1.129(a))	
		1810 770 2810 385 For each additional invention to be examined (37 CFR 1.129(b))	
		1801 770 2801 385 Request for Continued Examination (RCE)	
		1802 900 1802 900 Request for expedited examination of a design application	
		Other fee (specify) _____	
		SUBTOTAL (3) (\$)	

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Ronald H. Spuhler	Registration No. (Attorney or Agent)	52,245
Signature	<i>Ronald Spuhler</i>	Telephone	312-775-8000
		Date	March 9, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



FORM PTO-150	SERIAL NO.: 09/318,668	CASE NO.: 1772/14206US01
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE: 05/25/99	GROUP ART UNIT: 2746
(use several sheets if necessary)	APPLICANTS: Gollnick et al.	

REFERENCE DESIGNATION

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A1	4,449,248				
	A9	4,794,649				
	A10	4,804,954				
	A17	4,964,121				
	A19	4,977,611				
	A20	4,995,099				
	A22	5,025,486				
	A23	5,029,183				
	A24	5,031,231				
	A26	5,055,659				
	A28	5,081,402				
	A29	5,087,099				
	A31	5,119,502				

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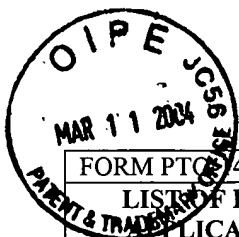
FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES	NO

EXAMINER INITIAL	OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)	
	C2	Biba, <i>A Hybrid Wireless MAC Protocol Supporting Asynchronous and Synchronous MSDU Delivery Services</i> , IEEE P802.11/91-92
	C4	Cheah, <i>A Proposed Architecture and Access Protocol Outline for the IEEE 802.11 Radio LAN Standards, Part II</i> , Document IEEE P802.11/91-54
	C5	Cox, <i>A Radio System Proposal for Widespread Low-Power Tetherless Communications</i> , IEEE Transactions on Communications, Vol. 39, No. 2 (February 1991)
	C6	Natarajan et al., <i>Battery Efficient Operation of Radio MAC Protocol</i> , Document IEEE P802.11/91-102
	C7	Rypinski, <i>Power-Drain Considerations for Full Time and Sleep Mode Radio Receivers</i> , Document IEEE P802.11/91-99
	C8	Robert Meier's Masters Thesis, <i>Mobile Computer Network Architecture</i> (May 1993)

EXAMINER:	DATE CONSIDERED:
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



FORM PTO 449	SERIAL NO.: 09/318,668	CASE NO.: 1772/14206US01
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE: 05/25/99	GROUP ART UNIT: 2746
(use several sheets if necessary)	APPLICANTS: Gollnick et al.	

REFERENCE DESIGNATION

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A32	5,121,408				
	A33	5,123,029				
	A34	5,128,938				
	A35	5,134,347				
	A37	5,150,361				
	A38	5,152,006				
	A41	5,175,870				
	A44	5,230,084				
	A46	5,241,542				
	A47	5,241,691				
	A51	5,265,270				
	A52	5,274,666				
	A53	5,276,680				
	A54	5,278,831				
	A57	5,293,639				
	A58	5,296,849				

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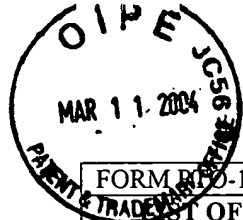
FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES	NO

EXAMINER INITIAL	OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)	
	C14	Digital European Cordless Telecommunications Reference Document (March 1991)
	C18	Haine, A New Radio Access Protocol and Network Architecture for Mobile Packet Data, 41 st IEEE Ventricular Technology Conference
	C19	Owen, The DECT Radio Interface, Colloquium on CT2/CA1 AND DECT CORDLESS TELECOMMUNICATIONS (1990)
	C22	Tuttlebee, Cordless Telecommunications in Europe (1990)

EXAMINER:	DATE CONSIDERED:
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



FORM PTO-1449	SERIAL NO.: 09/318,668	CASE NO.: 1772/14206US01
STATEMENT OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE: 05/25/99	GROUP ART UNIT: 2746
(use several sheets if necessary)	APPLICANTS: Gollnick et al.	

REFERENCE DESIGNATION

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A59	5,297,144				
	A63	5,361,397				
	A66	5,373,506				
	A67	5,390,206				
	A68	5,392,023				
	A76	5,440,560				
	A77	5,465,081				
	A84	5,584,048				
	A93	5,089,813				
	A96	5,239,466				
	A101	5,375,254				
	A102	5,377,192				
	A104	5,461,627				

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FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES	NO

EXAMINER INITIAL	OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)

EXAMINER:	DATE CONSIDERED:
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.